

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Grant of a 19-Day Extension of the Filing)	WC Docket No. 11-10
Deadline for Form 477)	

REQUEST FOR EXTENSION OF TIME

Pursuant to Section 1.3 of the rules of the Federal Communications Commission (“Commission”),¹ Virgin Islands Telephone Corporation and Vitelcom Cellular, Inc. (collectively, “Viya”) respectfully submit this Request for Extension of Time seeking a short and limited 19-day extension of the FCC Form 477 filing deadline. As explained below, a limited 19-day extension of the March 1, 2018 deadline is reasonable given the severity of the damage in the United States Virgin Islands (“USVI”) and the ongoing disruption to Viya’s operations caused by Hurricanes Irma and Maria.² Although Viya will timely file all of the information sought by FCC Form 477 that is currently available to Viya, Viya will be unable to compile by the deadline certain information requested by the form. Consequently, Viya is seeking this limited extension.

¹ 47 C.F.R. § 1.3.

² A 19-day extension will align the deadline for Form 477 with the March 20, 2018 deadline set by the Commission for various other filing and regulatory obligations that carriers are unable to satisfy as a result of the storms. *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Extend Filing and Regulatory Deadlines and Streamline Environmental Notification Process for Areas Affected by Hurricane Maria*, Public Notice, 32 FCC Rcd 7453 (WTB and PSHSB 2017) (“Extension Public Notice”).

I. VIYA CONTINUES TO MAKE NETWORK RESTORATION ITS HIGHEST PRIORITY

Prior to September 2017, Viya was the primary provider of voice, video, and broadband service using its hybrid fiber-coaxial (“HFC”) network. Viya also provided facilities-based mobile wireless service in the USVI using a 3G UMTS mobile network.³ However, during September, the one-two punch of Hurricanes Irma and Maria, each of which hit the USVI as record-breaking Category 5 storms, decimated most of the wireline and wireless communications infrastructure in the USVI, as well as the commercial power network serving the islands. The substantial majority of Viya’s residential and business customers in the USVI were left without mobile and fixed voice and broadband, and cable television service.

In response to the widespread destruction caused by Hurricanes Irma and Maria, Viya’s employees, contractors, and partners have been working tirelessly to rebuild its networks and restore service to its customers. Viya has invested substantial financial resources in this undertaking and, despite many geographic and bureaucratic challenges, Viya has made significant progress in the last five months. Of note, Viya deployed over 30 public WiFi hot spots across all three islands and distributed thousands of free MiFi devices to restore at least basic connectivity to residents as quickly as possible after the storms passed.

Viya also accelerated the launch of its new 4G LTE wireless network to increase the wireless capacity available to its customers, as well as first responders and the USVI government, in the immediate aftermath of the storms. The new 4G LTE network has been providing a high-speed broadband alternative to many of Viya’s HFC customers while the HFC

³ Viya’s UMTS network was only marginally operational as of December 31, 2017, and it was decommissioned shortly thereafter. Viya moved its UMTS customers seamlessly to its new 4G LTE network.

network is being restored. As a result of the early launch of the new 4G LTE network, Viya was able to accomplish approximately 80% coverage not long after the storms.⁴ Now that Viya's wireless coverage is close to pre-hurricane levels, Viya is focusing its efforts on accelerating the restoration of its HFC network.

Viya's restoration efforts, however, have required the near exhaustion of Viya's limited resources. As a result, its recordkeeping obligations have been given a lower priority than would be the case during the normal course of business. Because the Viya team is primarily focused on restoration activities, they have sometimes lacked sufficient resources to track and document network status on a day-to-day basis. Although Viya has attempted to monitor its service speeds and coverage areas during the disaster recovery process, doing so has been challenging because the operational status of individual cell sites and HFC nodes changes frequently. This is caused by the unreliable availability of power; shortages of materials and repair crews; unstable fiber and microwave connectivity for backhaul; and daily restoration progress.

Further, Viya launched its 4G LTE network much earlier than expected to assist emergency responders and customers in the aftermath of the hurricanes. As a result, Viya did not have all of the tracking, monitoring, surveillance, and notification systems in place that would have been available if Viya waited to launch the 4G LTE network pursuant to its planned, pre-hurricane schedule.

⁴ *New Viya Network Supporting Wireless Connections on Island*, St. Croix Source (Oct. 9, 2017), <https://stcroixsource.com/2017/10/09/new-viya-network-supporting-wireless-connections-on-island/>; *Viya To Launch Internet MiFi Service and 4G LTE Cellular On St. Croix In Two Weeks; More Internet Hot Spots Announced*, VI Consortium (Oct. 21, 2017), <http://viconsortium.com/business/viya-to-launch-internet-mifi-service-and-4g-lte-cellular-on-st-croix-in-two-weeks-more-internet-hot-spots-announced/>; *see also Viya Announced 4G LTE Wireless Coverage Throughout St. John and the Customer Experience Center Re-Opens on Thursday*, Viya (Jan. 16, 2018), <https://viyavi.com/viya-announces-4g-lte-wireless-coverage-throughout-st-john-and-the-customer-experience-center-re-opens-on-thursday/>.

As a result of the foregoing, Viya is currently unprepared to timely submit all of the data necessary for FCC Form 477. However, as further set forth below, Viya will timely submit all of the FCC Form 477 data that is practically feasible.

II. GRANT OF A 19-DAY EXTENSION WILL ENSURE A BETTER DEVELOPED RECORD

Viya understands that FCC Form 477 generates one of the Commission’s “most important data sets,” which it relies on every day.⁵ Although the Form 477 data is meant to provide only a snapshot of the service footprint that existed as of December 31, 2017, it is important that the data portray, as accurately as possible under the then-present circumstances, the current state of deployment. Viya understands that the completeness and accuracy of this data is critical for the Commission.⁶ Incomplete or dated information will not allow the Commission, other policymakers, or the public to fully understand the services then available to consumers in the USVI. For this reason, Viya requests a short and limited 19-day extension of the March 1, 2018 FCC Form 477 filing deadline to enable Viya to complete its FCC Form 477.

The requested limited extension will allow Viya the time necessary for it to finish gathering and compiling the remaining Form 477 data that Viya has not yet completed. At present, Viya expects to timely submit on March 1, 2018 all of the data required by the FCC Form 477, except that Viya will be unable to submit shapefiles and confirmation of minimum download and upload bandwidths until a later date. Viya will submit this remaining information as soon as Viya is able to finish compiling the data⁷—likely prior to March 20, 2018.⁸

⁵ *Modernizing the FCC Form 477 Data Program*, Further Notice of Proposed Rulemaking, 32 FCC Rcd 6329, 6370 (2017) (Statement of Chairman Ajit Pai) (“Form 477 FNPRM”).

⁶ *Id.* at 6331 ¶¶ 6-7.

⁷ The Commission’s FCC Form 477 filing instructions and FAQs envision amendments by filers to FCC Form 477 data after the initial filing deadline. *See* Federal Communications

Such a limited extension is consistent with the Commission's other actions following the 2017 hurricane season. Immediately after Hurricanes Irma and Maria, the Commission waived, on its own motion, certain regulatory requirements and filing deadlines that otherwise would have occurred between September 2017 and March 20, 2018.⁹ The Commission stated that doing so was justified by the "nature and scope of the devastation" in the USVI.¹⁰ The Commission also stated that it would consider whether additional relief was necessary as the six-month extension period ends.¹¹ Furthermore, recognizing that it makes little sense to rely on incomplete coverage data resulting from the massive outages caused by Hurricanes Irma and Maria, the Commission also extended its Mobility Fund Phase II coverage reporting deadline.¹²

Commission, Instructions for Local Telephone Competition and Broadband Reporting (FCC Form 477), at 19, available at <https://transition.fcc.gov/Forms/Form477/477inst.pdf>; *see also* Federal Communications Commission, Frequently Asked Questions, FCC Form 477, at 2, 8, available at <https://transition.fcc.gov/form477/477faqs.pdf>.

⁸ To be clear, Viya will complete and amend its FCC Form 477 as soon as it is able to do so, and will not take the full 19 days if it is not necessary for Viya to do so.

⁹ *See* Extension Public Notice, 32 FCC Rcd 7453 (setting the new deadline for these obligations as March 20, 2018).

¹⁰ *Id.* at 7453 n. 2

¹¹ *Id.* at 7453.

¹² *Connect America Fund; Universal Service Reform – Mobility Fund*, Order, 32 FCC Rcd 10167, 10168 ¶ 6 (2017) (waiving the filing deadline for mobile wireless providers in Puerto Rico and the USVI to submit certain 4G LTE coverage information to the Commission for the purpose of determining eligible areas for Mobility Fund Phase II).

III. CONCLUSION

For the reasons stated herein, a short and limited 19-day extension is reasonable and appropriate and will allow Viya to better serve the Commission and the public interest.

Respectfully submitted,

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